



*Town of Tyngsborough*  
*Planning Board*  
25 Bryants Lane,  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300 ext. 115

MINUTES  
March 3, 2011  
**APPROVED**

Attachments:

1. Meeting Agenda
2. Tyngsborough Housing Authority letter requesting 40B joint meeting – 3/1/11
2. Draft letter to Tyngsborough Housing Authority regarding 40B Joint Meeting Request – 3/3/11.

Members Present: Steve Nocco, Chairman  
Steve O'Neill  
Bill Gramer  
Caryn DeCarteret  
Jesse Johnson, P.E.: David E. Ross Associates  
Pamela Berman, Administrative Assistant

Members Absent: Tom Delmore, Vice Chairman

**7:00pm** - Meeting called to order by Chairman S. Nocco

**7:01pm** - 130 Middlesex Rd., Unit 5 – Special Permit hearing for a Chinese & Thai restaurant

**S. O'Neill:** Motion to waive the reading of the abutters list.

**C.DeCarteret:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0 Absent: 1**

**Passes: 4-0-1**

**S. O'Neill:** Motion to waive the reading of the legal notice.

**C. DeCarteret:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0 Absent: 1**

**Passes: 4-0-1**

Applicant Wei Lin appeared before the Board to apply for a special permit for a Chinese & Thai food restaurant. The location was a former restaurant and the use is allowed in a B-1 zone. The applicant reported that the restaurant would be a typical take-out/delivery restaurant with seating for up to 16 people. J. Johnson reviewed the plan and had no issues. Town departments also reported no problems or issues with this use. There were no abutters present to comment on the project.

**S. O'Neill:** Motion to close the public portion of the hearing

**W. Gramer:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0 Absent: 1**

**Passes: 4-0-1**

**C. DeCarteret:** Motion to issue a Special Permit for The Golden Bowl Chinese & Thai Restaurant to be located at 130 Middlesex Road, Unit 5 as it is in harmony with the purpose and intent of this by-law; will not be detrimental or injurious to the neighborhood in which it is to take place; is appropriate for the site in question; and complies with all applicable requirements of the by-law.

**S. O'Neill:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0 Absent: 1**

**Passes: 4-0-1**

**7:10pm - 35 Davis Street ANR Application – Frank & Patricia Berry**

Attorney Walter Chambers, representing the applicant, appeared before the Board regarding the above ANR application. This application is a resubmittal of a previous plan brought to the Board in October 2009. The new plan splits the property into 3 lots instead of the previous 4, and meets all of the frontage requirements. Engineer J. Johnson reviewed the plans and noted a few minor deficiencies that need to be corrected. The applicant indicated that they would make the necessary modifications and return to the next Planning Board meeting on March 17, 2011.

**7:20pm - Tyngsborough Commons Special Permit Application – Westford Road Development**

The applicant contacted the Planning Board office earlier in the day and reported that their engineering plans had not been completed. Therefore, they would not be in tonight to submit their application. They requested to be put on the next meeting agenda which is March 17, 2011.

## **New Business**

The Board was in receipt of a letter from the Tyngsborough Housing Authority requesting to have a joint meeting with several town Boards, Committees, and Departments to discuss the proper way the Town of Tyngsborough would like to proceed with future Chapter 40B housing in town. The Board voiced their opposition to participating in the meeting, and was concerned that they would potentially inherit problems stemming from past decisions and practices by other Boards that had and still have jurisdiction over the 40B process.

**C. DeCarteret:** Motion to send a letter to the Tyngsborough Housing authority declining participation in the March 9, 2011 joint meeting.

**S. O'Neill:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0 Absent: 1**

**Passes: 4-0-1**

## **Administrative**

The minutes from the February 17, 2011 meeting could not be approved as there was not a quorum of members from that meeting present to vote.

**7:40pm**

**T. Delmore:** Motion to adjourn

**B. Gramer:** 2<sup>nd</sup> the motion

**In Favor: 3 Opposed: 0 Absent: 2**

**Passes: 3-0-2**

Minutes respectfully submitted by  
Pamela Berman  
Planning Board Administrative Assistant